

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
AGENCY NO. 21-001**

EXECUTIVE BRANCH ETHICS COMMISSION

COMPLAINANT

vs.

ERIC MCKEE

RESPONDENT

FINAL ORDER OF DEFAULT

WHEREAS, the Initiating Order was mailed, via certified mail, to the Respondent at his last known address and returned served on February 4, 2021, the Respondent was served with the Initiating Order pursuant to KRS 13B.050(2);

WHEREAS, the Respondent has failed to file an answer within twenty (20) days of service as required by 9 KAR 1:030 Section 3(1);

WHEREAS, pursuant to 9 KAR 1:030 Section 4, in the event a Respondent fails to file an answer, the Complainant may:

- 1) Accept the failure to answer as an admission of the allegations in the initiating order;
- 2) Find by clear and convincing evidence pursuant to KRS 11A.100(3) that the Respondent has engaged in the alleged conduct in violation of KRS Chapter 11A;
- 3) Enter a Final Order of Default against the Respondent; and
- 4) Levy the appropriate possible penalty allowed under KRS 11A.100(3);

IT IS HEREBY ORDERED AND ADJUDGED, that the Commission accepts Eric McKee's failure to answer as an admission to allegations in the initiation order, finds by clear and convincing evidence, as required by KRS 11A.100(3), that Eric McKee violated

KRS 11A.020(1)(a) and (d), and enters this Final Order of Default against Eric McKee.

Pursuant to KRS 11A.100(3), the Commission further:

- 1) Issues a public reprimand to Eric McKee; and
- 2) Orders that Eric McKee shall pay a penalty of one thousand (\$1,000) dollars per count for a total of three thousand dollars (\$3,000) to the Commission;
- 3) Eric McKee shall remit to the Commission at its location at 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601, within thirty (30) days of the date of entry of this Final Order a cashier's check or money order made payable to the Kentucky State Treasury.

NOTICE OF APPEAL RIGHTS

You have a right to appeal the Final Order of the agency pursuant to KRS 13B.140, which reads in part:

- (1) All final orders of an agency shall be subject to a judicial review in accordance with the provisions of this chapter. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the Petition shall be served by the Petitioner upon the agency and all parties of record. The Petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested. The Petition shall be accompanied by a copy of the Final Order.

Pursuant to KRS 23A.010(4), "Such review [by the Circuit Court] shall not constitute an appeal but an original action." Some courts have interpreted this language to mean that summons must be served upon filing an appeal in Circuit Court.

SO ORDERED, this 19th day of May 2021.

EXECUTIVE BRANCH ETHICS COMMISSION



Judge Roger L. Crittenden (Ret.), Chair

David K. Karem
David K Karem (May 20, 2021 13:17 EDT)

Sen. David K. Karem (Ret.), Vice-Chair



Crit Luallen, Member

Hon. Venters
Daniel J. Venters (May 20, 2021 14:02 EDT)

Justice Daniel J. Venters (Ret.), Member

NOT PRESENT
David S. Samford, Member

DISTRIBUTION

By hand delivery, for filing on May 19, 2021:

**ADMINISTRATIVE PROCEEDINGS CLERK
EXECUTIVE BRANCH ETHICS COMMISSION
1025 CAPITAL CENTER DRIVE, SUITE 104
FRANKFORT, KENTUCKY 40601**

By hand-delivery to:

**HON. MICHAEL BOARD
HON. KATHRYN H. GABHART
EXECUTIVE BRANCH ETHICS COMMISSION
1025 CAPITAL CENTER DRIVE, SUITE 104
FRANKFORT, KENTUCKY 40601**

By Certified Mail AND U.S. Mail to:

**ERIC MCKEE
515 LINCOLN STREET
LAWRENCEBURG, KY 40342**


Kathryn Gabhart, Executive Director